



22 OCT 2007

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In re Application of

HARBIGE, et al.

U.S. Application No.: 10/555,757

PCT No.: PCT/GB04/02089

Int. Filing Date: 14 May 2004

Priority Date: 14 May 2003

Attorney Docket No.: 604-756

For: USE OF TRIGLYCERIDE OILS CONTAINING
GAMMA-LINOLENIC ACID RESIDUES AND
LINOLEIC ACID RESIDUES FOR THE TREAT-
MENT OF NEURODEGENERATIVE DISEASE

DECISION ON RENEWED

PETITION UNDER

37 CFR 1.47(a)

This decision is in response to the applicant's renewed petition under 37 CFR 1.47(a) filed 09 October 2007 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of joint inventor Mohammed Sharief.

BACKGROUND

On 08 March 2007, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 09 October 2007, applicant filed the present renewed petition under 37 CFR 1.47 accompanied by a petition for a five-month extension of time and payment of the appropriate extension of time fee. 08 October 2007 being a Federal holiday, the response is considered timely filed.

DISCUSSION

As detailed in the decision mailed 08 March 2007, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items (1), (3) and (4) above.

As to item (2), with the filing of the present renewed petition and supporting documentation, applicant has provided a sufficient showing that a diligent effort has been made to present a complete set of application papers to the non-signing inventor at his last known address

and through his counsel. Despite these efforts, Dr. Sharief has yet to return an executed oath or declaration. Therefore, it is proper to grant applicant's renewed petition at this time.

It is noted that the file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 14 May 2004 under 35 U.S.C. 363, and will be given a date of **22 February 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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